



*Receipt* #5  
Attorney Docket No. 56,436 (71699)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT: D. Stoianovici, et al. (as corrected )

EXAMINER: Unassigned

SERIAL NO.: 09/943,751

GROUP: 3731

FILED: August 30, 2001

FOR: CONTROLLABLE MOTORIZED DEVICE FOR PERCUTANEOUS NEEDLE PLACEMENT IN SOFT TISSUE TARGET AND METHODS AND SYSTEMS RELATED THERETO

BOX MISSING PARTS

Assistant Commissioner for Patents  
Washington, D.C. 20231

\*\*\*\*\*  
**CERTIFICATE OF MAILING**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231 on April 25, 2002.

By: *William J. Daley*  
William J. Daley, Jr.

\*\*\*\*\*  
**RESPONSE TO NOTICE TO FILE MISSING PARTS FILING DATE GRANTED  
AND REQUEST FOR CORRECTED OFFICIAL FILING RECEIPT**

Sir:

The following is in response to the Notice to File Missing Parts-Filing Date Granted (PTO-1533) mailed October 9, 2001, in the above referenced application.

Applicants petition pursuant to 37 C.F.R. 1.117(a) for an extension of time for a total period of five (5) months from December 9, 2001 to May 9, 2002 to respond to the above-referenced Notice to File Missing Parts.

04/30/2002 NM0HMM1 00000117 09943751

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980.00 OP

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Enclosed herewith for filing in the subject application are the following:

1. A copy of the Notice to File Missing Parts-Filing Date Granted for the subject application.
2. Four (4) properly signed oath or declarations in compliance with 37 CFR 1.63 with power of attorney, identifying the application by the above Application Number and date.

**FEES**

Completion of application filing fees as calculated below:

|    |  |           |
|----|--|-----------|
| 1. | Basic Filing Fee   | \$370.00  |
| 2. | Total additional claim fees:   |           |
|    | - 27 Total Claims in excess of 20  | \$243.00  |
|    | - 1 Independent claims in excess of 3  | \$ 42.000 |
| 3. | Surcharge for late payment of filing fee and/or<br>late filing of original declaration or oath | \$ 65.00  |
| 4. | Fee for five (5) month extension of time   | \$980.00  |
|    |  | _____     |
|    | TOTAL  | \$1700.00 |

A written assertion claiming small entity status was filed with the subject application. Therefore, the above fees are those for a small entity.

Enclosed herewith is a check for \$1700.00 in payment of the total fee due.

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**CHANGE TO FIRST NAMED INVENTOR**

As indicated above, and after filing the subject application, Applicants noticed that one of the named inventors other than the inventor listed first on the Application Transmittal should have been the first named inventor for the subject application.

As such, Applicants respectfully request that the USPTO update its records so that D. Stoianovici is the first named inventor for the subject application. In this regard, three of the four declarations enclosed herewith have D. Stoianovici as the first named inventor. The fourth declaration was executed and returned by an inventor located outside of the United States before the foregoing was discovered.

**REQUEST FOR CORRECTED OFFICIAL FILING RECEIPT**

Applicants also respectfully request that the official filing receipt be corrected/updated to reflect the change to the first named inventor as well as to include the addresses for each of the identified inventors set forth in the enclosed declarations.

**SUBSTITUTE DRAWINGS**

The notice to file missing parts provides that substitute drawings must be submitted for the reasons described therein. In response thereto, Applicants herewith submit seven (7) sheets of formal drawing figures, consisting of FIGS. 1-7, for entry into the subject application.

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Applicants believe that additional fees are not required, however, if for any reason a fee is required, a fee paid is inadequate or credit is owed for any excess fee paid, you are hereby authorized and requested to charge Deposit Account No. **04-1105**. In particular, the Commissioner is hereby authorized to charge any deficiencies in the following fees: filing fees (37 C.F.R. §1.16(a), (f) or (g)); fees associated with the presentation of extra claims (37 C.F.R. §1.16(b), (c) and (d)); surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application (37 C.F.R. §1.16(e)); extension fees pursuant to § 1.136(a) (37 C.F.R. §1.17(a)(1)-(5)); and application processing fees (37 C.F.R. §1.17).

Respectfully submitted,  
EDWARDS & ANGELL, LLP  
DIKE, BRONSTEIN, ROBERTS & CUSHMAN  
*Intellectual Property Practice Group*

Date: April 25, 2002

By:

  
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## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
 UNITED STATES PATENT AND TRADEMARK OFFICE  
 WASHINGTON, D.C. 20231  
[www.uspto.gov](http://www.uspto.gov)

| APPLICATION NUMBER | FILING/RECEIPT DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|---------------------|-----------------------|------------------------|
| 09/943,751         | 08/30/2001          | Gabor Fichtinger      | 56436(71699)           |

21874  
 DIKE BRONSTEIN ROBERTS & CUSHMAN  
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CONFIRMATION NO. 8459  
**FORMALITIES LETTER**



\*OC00000006868773\*

Date Mailed: 10/09/2001

**NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION****FILED UNDER 37 CFR 1.53(b)*****Filing Date Granted***

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 710 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).*
- Total additional claim fee(s) for this application is \$566.
  - \$486 for 27 total claims over 20.
  - \$80 for 1 independent claims over 3 .
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 1406.**

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:

- drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);

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|           |           |
|-----------|-----------|
| 01 FC:201 | 370.00 0P |
| 02 FC:203 | 243.00 0P |
| 03 FC:202 | 42.00 0P  |
| 04 FC:205 | 65.00 0P  |

*DKS*  
*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

U.S. GOVERNMENT PRINTING OFFICE: 1937 10-1400